

90TH CONGRESS
1ST SESSION

S. 1160

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 1967

Referred to the Committee on Interstate and Foreign Commerce

AN ACT

To amend the Communications Act of 1934 by extending and improving the provisions thereof relating to grants for construction of educational television broadcasting facilities, by authorizing assistance in the construction of noncommercial educational radio broadcasting facilities, by establishing a nonprofit corporation to assist in establishing innovative educational programs, to facilitate educational program availability, and to aid the operation of educational broadcasting facilities; and to authorize a comprehensive study of instructional television and radio; and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled.*
- 3 That this Act may be cited as the "Public Broadcasting Act
- 4 of 1967".

1 TITLE I—CONSTRUCTION OF FACILITIES

2 EXTENSION OF DURATION OF CONSTRUCTION GRANTS

3 FOR EDUCATIONAL BROADCASTING

4 SEC. 101. (a) Section 391 of the Communications Act
5 of 1934 (47 U.S.C. 391) is amended by inserting after
6 the first sentence the following new sentence: "There are
7 also authorized to be appropriated for carrying out the pur-
8 poses of such section, \$10,500,000 for the fiscal year ending
9 June 30, 1968, and such sums as may be necessary for the
10 next four fiscal years."

11 (b) The last sentence of such section is amended by
12 striking out "July 1, 1968" and inserting in lieu thereof
13 "July 1, 1973".

14 MAXIMUM ON GRANTS IN ANY STATE

15 SEC. 102. Effective with respect to grants made from
16 appropriations for any fiscal year beginning after June 30,
17 1967, subsection (b) of section 392 of the Communications
18 Act of 1934 (47 U.S.C. 392 (b)) is amended to read:

19 “(b) The total of the grants for any fiscal year made
20 under this part for the construction of noncommercial edu-
21 cational television broadcasting facilities or noncommercial
22 educational radio broadcasting facilities in any State may not
23 exceed 12½ per centum of the portion of the appropriation
24 for such year available for such grants.”

7 (b) Subsection (a) of section 392 of the Communica-
8 tions Act of 1934 (47 U.S.C. 392 (a)) is amended by—

(2) striking out clause (B) of such paragraph and inserting in lieu thereof “(B) in the case of a project for television facilities, the State educational television agency or, in the case of a project for radio facilities, the State educational radio agency,”;

17 (3) inserting “(i) in the case of a project for
18 television facilities,” after “(D)” and “noncommercial”
19 before “educational” in paragraph (1) (D) and by
20 inserting before the semicolon at the end of such para-
21 graph “, or (ii) in the case of a project for radio facil-
22 ities, a nonprofit foundation, corporation, or association
23 which is organized primarily to engage in or encourage

1 noncommercial educational radio broadcasting and is
2 eligible to receive a license from the Federal Communi-
3 cations Commission; or meets the requirements of clause
4 (i) and is also organized to engage in or encourage such
5 radio broadcasting and is eligible for such a license for
6 such a radio station”;

7 (4) striking out “television” in paragraphs (2),
8 (3), and (4) of such subsection;

9 (5) striking out “and” at the end of paragraph
10 (3), striking out the period at the end of paragraph
11 (4) and inserting in lieu thereof “; and”, and inserting
12 after paragraph (4) the following new paragraph:

13 “(5) that, in the case of an application with respect
14 to radio broadcasting facilities, there has been compre-
15 hensive planning for educational broadcasting facilities
16 and services in the area the applicant proposes to serve
17 and the applicant has participated in such planning, and
18 the applicant will make most efficient use of the fre-
19 quency assignment.”

20 (c) Subsection (c) of such section is amended by in-
21 serting “(1)” after “(c)” and “noncommercial” before
22 “educational television broadcasting facilities”, and by insert-
23 ing at the end thereof the following new paragraph:

24 “(2) In order to assure proper coordination of construc-
25 tion of noncommercial educational radio broadcasting facil-

ities within each State which has established a State educational radio agency, each applicant for a grant under this section for a project for construction of such facilities in such State, other than such agency, shall notify such agency of each application for such a grant which is submitted by it to the Secretary, and the Secretary shall advise such agency with respect to the disposition of each such application.”

(d) Subsection (d) of such section is amended by inserting “noncommercial” before “educational television” and inserting “or noncommercial educational radio broadcasting facilities, as the case may be,” after “educational television broadcasting facilities” in clauses (2) and (3).

(e) Subsection (f) of such section is amended by inserting “or radio” after “television” in the part thereof which precedes paragraph (1), by inserting “noncommercial” before “educational television purposes” in paragraph (2) thereof, and by inserting “or noncommercial educational radio purposes, as the case may be” after “educational television purposes” in such paragraph (2).

(f) (1) Paragraph (2) of section 394 of such Act (47 U.S.C. 394) is amended by inserting “or educational radio broadcasting facilities” after “educational television broadcasting facilities,” and by inserting “or radio broadcasting, as the case may be” after “necessary for television broadcasting”.

1 (2) Paragraph (4) of such section is amended by strik-
2 ing out "The term 'State educational television agency'
3 means" and inserting in lieu thereof "The terms 'State edu-
4 cational television agency' and 'State educational radio
5 agency' mean, with respect to television broadcasting and
6 radio broadcasting, respectively," and by striking out "edu-
7 cational television" in clauses (A) and (C) and inserting
8 in lieu thereof "such broadcasting".

9 (g) Section 397 of such Act (47 U.S.C. 397) is
10 amended by inserting "or radio" after "television" in clause
11 (2).

12 FEDERAL SHARE OF COST OF CONSTRUCTION

13 SEC. 104. Subsection (e) of section 392 of the Com-
14 munications Act of 1934 (47 U.S.C. 392 (e)) is amended
15 to read as follows:

16 “(e) Upon approving any application under this sec-
17 tion with respect to any project, the Secretary shall make a
18 grant to the applicant in the amount determined by him, but
19 not exceeding 75 per centum of the amount determined by
20 the Secretary to be the reasonable and necessary cost of such
21 project. The Secretary shall pay such amount from the sum
22 available therefor, in advance or by way of reimbursement,
23 and in such installments consistent with construction prog-
24 ress, as he may determine.”

INCLUSION OF TERRITORIES

1

2 SEC. 105. (a) Paragraph (1) of section 394 of the
3 Communications Act of 1934 is amended by striking out
4 "and" and inserting a comma in lieu thereof, and by insert-
5 ing before the period at the end thereof ", the Virgin Islands,
6 Guam, American Samoa, and the Trust Territory of the
7 Pacific Islands".

8 (b) Paragraph (4) of such section is amended by
9 inserting "and, in the case of the Trust Territory of the Pa-
10 cific Islands, means the High Commissioner thereof" before
11 the period at the end thereof.

12

INCLUSION OF COSTS OF PLANNING

13 SEC. 106. Paragraph (2) of section 394 of the Com-
14 munications Act of 1934 is further amended by inserting at
15 the end thereof the following: "In the case of apparatus the
16 acquisition and installation of which is so included, such
17 term also includes planning therefor."

18 TITLE II—ESTABLISHMENT OF NONPROFIT EDU-
19 CATIONAL BROADCASTING CORPORATION

20 SEC. 201. Part IV of title III of the Communications
21 Act of 1934 is further amended by—

22

(1) inserting

1 “SUBPART A—GRANTS FOR FACILITIES”

2 immediately above the heading of section 390;

3 (2) striking out “part” and inserting in lieu thereof
4 “subpart” in sections 390, 393, 395, and 396;

5 (3) redesignating section 397 as section 398, and
6 redesignating section 394 as section 397 and inserting
7 it before such section 398 and inserting immediately
8 above its heading

9 “SUBPART C—GENERAL”;

10 (4) redesignating section 396 as section 394 and
11 inserting it immediately after section 393;

12 (5) inserting after “broadcasting” the first time it
13 appears in clause (2) of the section of such part IV
14 redesignated herein as section 398 “, or over the Corpo-
15 ration or any of its grantees or contractors, or over the
16 charter or bylaws of the Corporation,”.

17 (6) inserting in the section of such part IV herein
18 redesignated as section 397 the following new para-
19 graphs:

20 “(6) The term ‘Corporation’ means the Corporation
21 authorized to be established by subpart B of this part.

22 “(7) The term ‘noncommercial educational broad-
23 cast station’ means a television or radio broadcast station,
24 which, under the rules and regulations of the Federal

1 Communications Commission, is eligible to be licensed
 2 or is licensed by the Commission as a noncommercial
 3 educational radio or television broadcast station and
 4 which is owned and operated by a public agency or
 5 nonprofit private foundation, corporation, or association.

6 “(8) The term ‘interconnection’ means the use of
 7 microwave equipment, boosters, translators, repeaters,
 8 communication space satellites, or other apparatus or
 9 equipment for the transmission and distribution of tele-
 10 vision or radio programs to noncommercial educational
 11 television or radio broadcast stations.”

12 (7) inserting after section 395 the following new
 13 subpart:

14 “SUBPART B—CORPORATION FOR PUBLIC BROADCASTING

15 “Congressional Declaration of Policy

16 “SEC. 396. (a) The Congress hereby finds and de-
 17 clares—

18 “(1) that it is in the public interest to encourage
 19 the growth and development of noncommercial educa-
 20 tional radio and television broadcasting, including the
 21 use of such media for instructional purposes;

22 “(2) that expansion and development of noncom-
 23 mercial educational radio and television broadcasting and
 24 of diversity of its programing depend on freedom, imag-

1 ination, and initiative on both the local and national
2 levels;

3 “(3) that the encouragement and support of non-
4 commercial educational radio and television broadcast-
5 ing, while matters of importance for private and local
6 development, are also of appropriate and important con-
7 cern to the Federal Government;

8 “(4) that it furthers the general welfare to encour-
9 age noncommercial educational radio and television
10 broadcast programing which will be responsive to the
11 interests of people both in particular localities and
12 throughout the United States, and which will constitute
13 an expression of diversity and excellence;

14 “(5) that it is necessary and appropriate for the
15 Federal Government to complement, assist, and support
16 a national policy that will most effectively make non-
17 commercial educational radio and television service
18 available to all the citizens of the United States;

19 “(6) that a private corporation should be created
20 to facilitate the development of noncommercial educa-
21 tional radio and television broadcasting and to afford
22 maximum protection to such broadcasting from ex-
23 traneous interference and control.

1 “Corporation Established

2 “(b) There is authorized to be established a nonprofit
3 corporation, to be known as the ‘Corporation for Public
4 Broadcasting’, which will not be an agency or establishment
5 of the United States Government. The Corporation shall be
6 subject to the provisions of this section, and, to the extent
7 consistent with this section, to the District of Columbia
8 Nonprofit Corporation Act.

9 “Board of Directors

10 “(c) (1) The Corporation shall have a Board of Direc-
11 tors (hereinafter in this section referred to as the ‘Board’),
12 consisting of fifteen members of which nine shall be appointed
13 by the President, by and with the advice and consent of the
14 Senate and six shall be elected by the members so appointed:
15 *Provided*, That three of the fifteen members of the Board
16 shall be associated with the operation of noncommercial
17 educational radio and television stations.

18 “(2) The members of the Board (A) shall be selected
19 from among citizens of the United States (not regular full-
20 time employees of the United States) who are eminent in
21 such fields as education, cultural and civic affairs, or the
22 arts, including radio or television; (B) shall be selected
23 so as to provide as nearly as practicable a broad representa-

1 tion of various regions of the country, various professions
2 and occupations, and various kinds of talent and experience
3 appropriate to the functions and responsibilities of the
4 Corporation.

5 “(3) The members of the initial Board of Directors
6 shall serve as incorporators and shall take whatever actions
7 are necessary to establish the Corporation under the District
8 of Columbia Nonprofit Corporation Act.

9 “(4) The term of office of each member of the Board
10 shall be six years; except that (A) any member appointed
11 or elected to fill a vacancy occurring prior to the expiration
12 of the term for which his predecessor was appointed shall be
13 appointed or elected for the remainder of such term; and
14 (B) the terms of office of members first taking office shall
15 begin on the date of incorporation and shall expire, as des-
16 ignated at the time of their appointment or election, as
17 follows: the terms of three of the appointed members and
18 two of the elected members shall expire at the end of two
19 years, the terms of three of the appointed members and two
20 of the elected members shall expire at the end of four years,
21 and the terms of three of the appointed members and two
22 of the elected members shall expire at the end of six years.
23 No member shall be eligible to serve in excess of two con-
24 secutive terms of six years each. Notwithstanding the pre-

1 ceding provisions of this paragraph, a member whose term
2 has expired may serve until his successor has qualified.

3 “(5) Any vacancy in the Board shall not affect its
4 power, but shall be filled in the manner in which the original
5 appointment or election was made.

6 “Election of Chairman; Compensation

7 “(d) (1) The President shall designate one of the mem-
8 bers first appointed or elected to the Board as Chairman;
9 thereafter the members of the Board shall annually elect one
10 of their number as Chairman. The members of the Board
11 shall also elect one or more of them as a Vice Chairman or
12 Vice Chairmen.

13 “(2) The members of the Board shall not, by reason
14 of such membership, be deemed to be employees of the
15 United States. They shall, while attending meetings of the
16 Board or while engaged in duties related to such meetings
17 or in other activities of the Board pursuant to this subpart
18 be entitled to receive compensation at the rate of \$100 per
19 day (or such other rate as may be determined by a vote of
20 more than two-thirds of the full membership of the Board),
21 including travel time, and while away from their homes or
22 regular places of business they may be allowed travel ex-
23 penses, including per diem in lieu of subsistence, equal to

1 that authorized by law (5 U.S.C. 5703) for persons in the
2 Government service employed intermittently.

3 “Officers and Employees

4 “(e) (1) The Corporation shall have a President, and
5 such other officers as may be named and appointed by the
6 Board for terms and at rates of compensation fixed by the
7 Board. No individual other than a citizen of the United
8 States may be an officer of the Corporation. No officer of
9 the Corporation, other than the Chairman and any Vice
10 Chairman of the Board, may receive any salary or other
11 compensation from any source other than the Corporation
12 during the period of his employment by the Corporation.
13 All officers shall serve at the pleasure of the Board.

14 “(2) No political test or qualification shall be used in
15 selecting, appointing, promoting, or taking other personnel
16 actions with respect to officers, agents, and employees of the
17 Corporation.

18 “Nonprofit and Nonpolitical Nature of the Corporation

19 “(f) (1) The Corporation shall have no power to issue
20 any shares of stock, or to declare or pay any dividends.

21 “(2) No part of the income or assets of the Corpora-
22 tion shall inure to the benefit of any director, officer, em-
23 ployee, or any other individual except as salary or reasonable
24 compensation for services.

25 “(3) The Corporation may not contribute to or other-

1 wise support any political party or candidate for elective
2 public office.

3 "Purposes and Activities of the Corporation

4 "(g) (1) In order to achieve the objectives and to
5 carry out the purposes of this subpart, as set out in subsec-
6 tion (a), the Corporation is authorized to—

7 "(A) facilitate the full development of educational
8 broadcasting in which programs of high quality, obtained
9 from diverse sources, will be made available to noncom-
10 mercial educational television or radio broadcast stations;

11 "(B) assist in the establishment and development
12 of one or more systems of noncommercial educational
13 television or radio broadcasting and one or more systems
14 of interconnection to be used for the distribution of
15 educational television or radio programs so that all non-
16 commercial educational television or radio broadcast
17 stations that wish to may broadcast the programs at
18 times chosen by the stations;

19 "(C) carry out its purposes and functions and
20 engage in its activities in ways that will most effectively
21 assure the maximum freedom of the noncommercial edu-
22 cational television or radio broadcast systems and local
23 stations from interference with or control of program
24 content or other activities.

25 "(2) Included in the activities of the Corporation

1 authorized for accomplishment of the purposes set forth in
2 subsection (a) of this section, are, among others not spe-
3 cifically named—

4 “(A) to obtain grants from and to make contracts
5 with individuals and with private, State, and Federal
6 agencies, organizations, and institutions;

7 “(B) to contract with or make grants to program
8 production entities, individuals, and selected noncommer-
9 cial educational broadcast stations for the production of,
10 and otherwise to procure, educational television or radio
11 programs for national or regional distribution to noncom-
12 mercial educational broadcast stations;

13 “(C) to make payments to existing and new non-
14 commercial educational broadcast stations to aid in
15 financing local educational television or radio program-
16 ing costs of such stations, particularly innovative ap-
17 proaches thereto, and other costs of operation of such
18 stations;

19 “(D) to establish and maintain libraries and ar-
20 chives of noncommercial educational television or radio
21 programs and related materials and disseminate infor-
22 mation about noncommercial educational television or
23 radio broadcasting by publication of a journal;

24 “(E) to arrange, by grant or contract with appro-
25 priate public or private agencies, organizations, or insti-

1 tutions, for interconnection facilities suitable for distri-
2 bution and transmission of educational television or
3 radio programs to noncommercial educational broadcast
4 stations;

5 “(F) to hire or accept the voluntary services of
6 consultants, experts, advisory boards, and panels to aid
7 the Corporation in carrying out the purposes of this
8 section;

9 “(G) to encourage the creation of new noncomm-
10 ercial educational broadcast stations in order to enhance
11 such service on a local, State, regional, and national
12 basis;

13 “(H) to conduct (directly or through grants or
14 contracts) research, demonstrations, and training in
15 matters related to noncommercial educational television
16 or radio broadcasting.

17 “(3) To carry out the foregoing purposes and engage
18 in the foregoing activities, the Corporation shall have the
19 usual powers conferred upon a nonprofit corporation by the
20 District of Columbia Nonprofit Corporation Act, except that
21 the Corporation may not own or operate any television or
22 radio broadcast stations, system, or network, or community
23 antenna television system, or interconnection or program
24 production facility.

1 "Authorization for Free or Reduced Rate Interconnection
2 Service

3 "(h) Nothing in the Communications Act of 1934, as
4 amended, or in any other provision of law shall be construed
5 to prevent United States communications common carriers
6 from rendering free or reduced rate communications inter-
7 connection services for noncommercial educational television
8 or radio services, subject to such rules and regulations as the
9 Federal Communications Commission may prescribe.

10 "Report to Congress

11 "(i) The Corporation shall submit an annual report for
12 the preceding fiscal year ending June 30 to the President
13 for transmittal to the Congress on or before the 31st day of
14 December of each year. The report shall include a compre-
15 hensive and detailed report of the Corporation's operations,
16 activities, financial condition, and accomplishments under
17 this section and may include such recommendations as the
18 Corporation deems appropriate.

19 "Right To Repeal, Alter, or Amend

20 "(j) The right to repeal, alter, or amend this section
21 at any time is expressly reserved.

22 "Financing

23 "(k) (1) There are authorized to be appropriated for
24 expenses of the Corporation for the fiscal year ending June
25 30, 1968, the sum of \$9,000,000, and for the next fiscal

1 year such sums as may be necessary, to remain available
2 until expended.

3 “(2) Notwithstanding the preceding provisions of this
4 section, no grant or contract pursuant to this section may
5 provide for payment from the appropriation for the fiscal
6 year ending June 30, 1968, for any one project or to any
7 one station of more than \$250,000.”

8 TITLE III—STUDY OF EDUCATIONAL AND IN-
9 STRUCTIONAL TELEVISION BROADCASTING

10 STUDY AUTHORIZED

11 SEC. 301. The Secretary of Health, Education, and
12 Welfare is authorized to conduct, directly or by contract,
13 and in consultation with other interested Federal agencies,
14 a comprehensive study of instructional television and radio
15 (including broadcast, closed circuit, community antenna tele-
16 vision, and instructional television fixed services and two-
17 way communication of data links and computers) and their
18 relationship to each other and to instructional materials such
19 as videotapes, films, discs, computers, and other educational
20 materials or devices, and such other aspects thereof as may
21 be of assistance in determining what Federal aid should be
22 provided for instructional radio and television and the form
23 that aid should take, and which may aid communities, in-
24 stitutions, or agencies in determining whether and to what
25 extent such activities should be used.

DURATION OF STUDY

2 SEC. 302. The study authorized by this title shall
3 be submitted to the President for transmittal to the Con-
4 gress on or before June 30, 1969.

APPROPRIATION

6 SEC. 303. There are authorized to be appropriated
7 for the study authorized by this title such sums, not exceed-
8 ing \$500,000, as may be necessary.

Passed the Senate May 17, 1967.

Attest: FRANCIS R. VALEO,
Secretary.

90TH CONGRESS
1ST SESSION

S. 1160

AN ACT

To amend the Communications Act of 1934 by extending and improving the provisions thereof relating to grants for construction of educational television broadcasting facilities, by authorizing assistance in the construction of noncommercial educational radio broadcasting facilities, by establishing a non-profit corporation to assist in establishing innovative educational programs, to facilitate educational program availability, and to aid the operation of educational broadcasting facilities; and to authorize a comprehensive study of instructional television and radio; and for other purposes.

MAY 22, 1967

Referred to the Committee on Interstate and Foreign
Commerce